

PROFESSIONAL CONDUCT MEETING MINUTES



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on January 31, 2018

Approved on February 21, 2018

Prepared by: Beverly Coles-Roby

Meeting Location:

**MassDEP CERO
New Bond Street
Worcester, MA 01606**

1. List of Documents Used at the Meeting:

- Agenda
- Draft Minutes of Meeting on November 15, 2017
- Active Case List
- Draft Dismissal Letter 17C-02

2. Call to Order: Co-Chairperson Kirk Franklin called the meeting to order at approximately 1:02 p.m. The Board members in attendance were Maria Pinaud, Debra Listernick, Dr. Gail Batchelder, James N. Smith, Farooq Siddique, Gregg McBride, Kathleen Campbell, and David Austin. Board member Marc J. Richards was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Wendy Rundle, Executive Director of the LSP Association (“LSPA”), Wes Stimpson of WES Associates, and Rebecca Woolley of MassDEP were also present.

3. Previous Minutes: The draft minutes of the meeting held on November 15, 2017, were approved as amended. Board member Kathleen Campbell abstained from voting to approve the minutes.

4. Old Business: None

5. Status of Complaint Review Teams and Active Case List

At co-chairperson, Kirk Franklin’s request, the Complaint Review Teams (“CRT”) reported on progress made since the November 15, 2017 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List. She prefaced her comments by stating that all recent developments were catalogued in the Active Case List.

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Ms. Coles-Roby explained that 05C-07; 08C-03; 10C-01; 11C-04; and 16C-01 would be discussed during Quasi-Judicial Session at the conclusion of today's Board meeting.

In the matter of 12C-01, Ms. Coles-Roby informed the Committee that Ms. Williamson has begun preparation of the CRT's report for presentation to the Board at its February or March 2018 meeting.

With respect to 17C-02, Mr. Austin thought the dismissal letter, prepared by Ms. Williamson, was well written. Mr. Stimpson said that he struggled with what happens to a complaint when it is filed with the Board. He understood that complaints are docketed, but he was unclear on the difference between voting not to accept a complaint and dismissing one. Mr. Smith thought that he raised a valid point. Ms. Coles-Roby responded that when LSP Board staff does not accept a complaint it is "dismissed for lack of jurisdiction." She added that all cases are docketed for internal tracking purposes. Dr. Batchelder said that "lack of jurisdiction" really is a lack of evidence. Mr. Stimpson suggested that the language in the letter be changed to reflect the lack of evidence finding. Ms. Williamson reported that the letter employed the standard language used in such letters. Mr. Stimpson also noted a typographical error on page two, paragraph one of the letter. The changes were made and the Board voted to approve the letter as amended. Dr. Batchelder abstained from voting.

6. New Business:

No new business was discussed.

7. Future Meetings: February 21, 2018—MassDEP SERO

8. Adjournment: The meeting was adjourned at approximately 1:19 p.m.